

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

GS HOLISTIC, LLC,

Plaintiff,

:

Case No. 2:23-cv-3218

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

COLUMBUS SMOKE SHOP, LLC, et al.

Defendants

:

REPORT AND RECOMMENDATIONS

This case is before the Court *sua sponte* for general case management.

The case was filed October 3, 2023, and process issued as to both Defendants (ECF Nos. 1 and 2). The corporate Defendant was served October 18, 2023 (Affidavit of Service, ECF No. 4). The corporate Defendant was served by serving its agent for service of process or manager, identified in the Affidavit as “Monty Al Morissi”. The corporate Defendant never answered and was found in default February 21, 2024 (ECF No. 13). The Court denied the Motion for Default as to the individual Defendant, Mohamed Al Morissi, because there was no proof of service on him as an individual Defendant (ECF No. 12).

Plaintiff thereupon moved for an extension of time to serve to March 28, 2024, which the Court granted (ECF Nos. 14, 15). When that date passed without service, Plaintiff sought and

received a further extension to May 1, 2024 (ECF Nos. 16, 17). However, as of the date of this Report, there is no proof of service on Mohamed Al Morissi as an individual and no motion for further extension of time.

Fed.R.Civ.P. 4(m) requires that service be made within ninety days after the filing of the complaint. If not, the case is to be dismissed without prejudice as to the unserved parties. The ninetieth day after filing the Complaint was January 1, 2024, and Plaintiff has shown no good cause for its failure.

Accordingly, it is respectfully recommended that this case be dismissed without prejudice as to Mohamed Al Morissi.

June 5, 2024.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #

s/ Michael R. Merz
United States Magistrate Judge